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TO: **I. Ouspenski**
Art Unit: 1644

FAX: (703) 872-9306

FROM: Sheela Mohan-Peterson

DATE: **October 14, 2004**

RE: Docket No.: DX0936KB
USSN: 10/086,972
Filed: 03/01/2002
Title: NOVEL USES OF MAMMALIAN OX2 PROTEIN AND RELATED REAGENTS

Any difficulty with this facsimile, please call: Melanie Lyons at (650) 496-1183

Documents attached:

1.	Transmittal	1 page
2.	Response to Restriction Requirement	7 pages

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Melanie Lyons

PTO/SB/21 (03-03)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	9

Application Number	10/086,972
Filing Date	03/01/2002
First Named Inventor	Robert M. HOEK
Art Unit	1644
Examiner Name	I. Ouspenski
Attorney Docket Number	DX0936KB

ENCLOSURES *(Check all that apply)*

- ___ Fee Transmittal Form
- ___ Fee Attached
- ___ Amendment/Reply
- ___ After Final
- ___ Affidavits/declaration(s)
- ___ Extension of Time Request
- ___ Express Abandonment Request
- ___ Information Disclosure Statement
- ___ Certified Copy of Priority Document(s)
- ___ Response to Missing Parts/ Incomplete Application
- ___ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ___ Drawing(s)
- ___ Licensing-related Papers
- ___ Petition
- ___ Petition to Convert to a Provisional Application
- ___ Power of Attorney, Revocation Change of Correspondence Address
- ___ Terminal Disclaimer
- ___ Request for Refund
- ___ CD, Number of CD(s) ____
- ___ After Allowance Communication to Group
- ___ Appeal Communication to Board of Appeals and Interferences
- ___ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- ___ Proprietary Information
- ___ Status Letter
- X Other Enclosure(s) (please Identify below):

Remarks:
1. Response to Restriction Requirement (7 pages)
2. Fax Transmittal Sheet (1 page)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	Sheela Mohan-Peterson
Date	14-Oct-2004

CERTIFICATE OF TRANSMISSION/MAILING

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Attorney Docket: DX0936KB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Robert M. HOEK, *et al.*

Application No.: 10/086,972

Filed: March 1, 2002

For: NOVEL USES OF MAMMALIAN OX2 PROTEIN AND RELATED REAGENTS

Examiner: I. Ouspenski

Art Unit: 1644

Conf. No.: 1945

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by: MELANIE LYONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement, dated September 17, 2004.

I. Restriction Requirement

The Examiner restricted the application into 26 separate inventions:

I. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has an inflammatory condition, classified in Class 514, subclass 21.

II. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has an infective condition, classified in Class 514, subclass 21.

III. Claims 1, 4 - 8, 10, and 16 - 18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a leukoproliferative condition, classified in Class 514, subclass 21.

IV. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a neurodegenerative condition, classified in Class 514, subclass 21.

V. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a posttraumatic condition, classified in Class 514, subclass 21.

VI. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has autoimmunity, classified in Class 514, subclass 21.

VII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has atherosclerosis, classified in Class 514, subclass 21.

VIII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has delayed hypersensitivities, classified in Class 514, subclass 21.

IX. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has skin grafting or a transplant, classified in Class 514, subclass 21.

X. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has spinal injury, classified in Class 514, subclass 21.

XI. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has stroke, classified in Class 514, subclass 21.

XII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has ischemia, classified in Class 514, subclass 21.

XIII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has an inflammatory condition, classified in Class 424, subclass 130.1.

XIV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has an infective condition, classified in Class 424, subclass 130.1.

XV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a leukoproliferative condition, classified in Class 424, subclass 130.1.

XVI. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a neurodegenerative condition, classified in Class 424, subclass 130.1.

XVII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a post-traumatic condition, classified in Class 424, subclass 130.1.

XVIII. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has wound healing, classified in Class 424, subclass 130.1.

XIX. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has clot formation, classified in Class 424, subclass 130.1.

XX. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has an inflammatory condition, classified in Class 424, subclass 9.322.

XXI. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has an infective condition, classified in Class 424, subclass 9.322.

XXII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has a leukoproliferative condition, classified in Class 424, subclass 9.322.

XXIII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has a neurodegenerative condition, classified in Class 424, subclass 9.322.

XXIV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has a post-traumatic condition, classified in Class 424, subclass 9.322.

XXV. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has wound healing, classified in Class 424, subclass 9.322.

XXVI. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutein of OX2, and where the animal has clot formation, classified in Class 424, subclass 9.322.

II. Species Election Requirements

The Examiner further required several elections of species dependent upon the Group elected by Applicants.

A. If one of Groups I-XXVI is chosen, an election of one of the following species is required: neural tissue; lymphoid tissue; myeloid tissue; pancreas; gastrointestinal tissue; thyroid tissue; muscle tissue; skin; or collagenous tissue.

B. If one of Groups I-XII is chosen, an election of one of the following species is required: tissue specific autoimmunity; rheumatoid arthritis; multiple sclerosis; vasculitits.

C. If one of Groups I-XII is chosen, an election of one the following species is required: an anti-inflammatory cytokine agonist; an anti-inflammatory cytokine antagonist; an analgesic; an anti-inflammatory agent; or a steroid.

D. If one of Groups XIII-XXVI is chosen, an election of one of the following species is required: an angiogenic factor; a growth factor (FGF); a growth factor (PDGF); an antibiotic; or a clotting factor.

III. Restriction and Species Election

Applicants provisionally elect Group IV, Claims 1, 4-10, and 16-18 whose claims are drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a neurodegenerative condition, classified in class 514 , subclass 21, for example, as discussed in the Office Action.

The Applicants further elect the following species as required by the Examiner:

A. Neural tissue;

B. Multiple sclerosis; and

C. A steroid.